

Town Board Minutes
(Municipal Review Committee)

Meeting
No. 25

Special Meeting

July 19, 2004

Town Board Minutes

July 19, 2004

Meeting No. 25

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 19th day of July 2004, at 6:30 PM and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR
JOHN GOBER, PLANNING BOARD MEMBER
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER
MICHAEL MYZKA, PLANNING BOARD MEMBER
MELVIN SZYMANSKI, PLANNING BOARD MEMBER
STANLEY KEYSA, PLANNING BOARD CHAIRMAN

ABSENT: REBECCA ANDERSON, PLANNING BOARD MEMBER
STEVEN SOCHA, PLANNING BOARD MEMBER

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SUMME, BUILDING INSPECTOR
ROBERT LABENSKI, TOWN ENGINEER

PURPOSE OF MEETING:

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for three (3) actions.

**IN THE MATTER OF THE SEQR REVIEW OF THE
WESTWOOD PARK CLOCK TOWER**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Lancaster Community Clock Tower matter (located in Westwood Park) with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD MEMBER GOBER
WHO MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:
WESTWOOD PARK COMMUNITY CLOCK TOWER
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately less than .50 acres.

The location of the clock tower being reviewed is situate in Westwood Park, Pavement Road, County of Erie, Lancaster, New York.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.4.
- B. The action will not receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)
 - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.

No significant adverse effects noted

- C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.

No significant adverse effects noted

- C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.

No significant adverse effects noted

- C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.

No significant adverse effects noted

- C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.

No significant adverse effects noted

- C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.

No significant adverse effects noted

- C.7 Other impacts (including changes in use of either quantity or type of energy).

No significant adverse effects noted

- D. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
- E. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s _____

Robert H. Giza, Supervisor
Town of Lancaster

SEAL

July 19, 2004

and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

July 19, 2004

**IN THE MATTER OF THE SEQR REVIEW OF
SIEBERT ROAD MINOR SUBDIVISION**

The Municipal Review Committee proceeded with the short Environmental Assessment Form on the Siebert Road minor subdivision matter with an item for item review and discussion of the project impact and magnitude as outlined on the Short Environmental Assessment Form, entitled "Part II Environmental Assessment", which was provided to each member.

**THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD MEMBER SZYMANSKI
WHO MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:**

RESOLVED, that the following Negative Declaration be adopted.

**NOTICE OF DETERMINATION:
SIEBERT ROAD MINOR SUBDIVISION
NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

NAME AND ADDRESS OF LEAD AGENCY

Town of Lancaster
21 Central Avenue
Lancaster, New York 14086
Richard J. Sherwood, Town Attorney
716-684-3342

NATURE, EXTENT AND LOCATION OF ACTION:

The proposed development is of a parcel involving approximately 1.42 acres.

The location of the premises being reviewed is situate on the east side of Siebert Road, south of William Street, County of Erie, Lancaster, New York.

REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found, in their item for item completion of the Short Environmental Assessment Form on this proposed action as follows:

- A. The action does not exceed any type 1 threshold in 6 NYCRR, Part 617.4.
- B. The action will not receive coordinated review as provided for unlisted actions in 6 NYCRR, Part 617.6.
- C. The proposed action will not result in any adverse effects associated with the following: (except as noted)
 - C.1 Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems.

No significant adverse effects noted; however, the Municipal Review Committee does note that Federal wetlands, which are located on the property (specifically lots 3 & 4) will be unaffected by the construction of homes.

- C.2 Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character.

No significant adverse effects noted

- C.3 Vegetation or fauna, fish, shellfish or wildlife species significant habitats, or threatened or endangered species.

No significant adverse effects noted

- C.4 A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources.

No significant adverse effects noted

- C.5 Growth, subsequent development, or related activities likely to be induced by the proposed action.

No significant adverse effects noted

- C.6 Long term, short term, cumulative, or other effects not identified in C1-C5.

No significant adverse effects noted

C.7 Other impacts (including changes in use of either quantity or type of energy).

No significant adverse effects noted

D. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).

E. There is not, nor is there likely to be, controversy related to potential adverse environmental impacts.

s/s _____

Robert H. Giza, Supervisor
Town of Lancaster

SEAL

July 19, 2004
and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

BE IT FURTHER

RESOLVED, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a vote which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
*PLANNING BOARD CHAIRMAN KEYSA	WAS RECUSED

The Notice of Determination was thereupon adopted.

July 19, 2004

*Planning Board Chairman Keysa recused himself from participation and voting on this matter because of his prior legal representation of the property owner.

**IN THE MATTER OF THE SEQR REVIEW OF
FRIENDLY'S RESTAURANT AND CONVENIENCE
STORE WITH SIX GAS PUMPS**

THE FOLLOWING RESOLUTION WAS OFFERED
BY PLANNING BOARD CHAIRMAN KEYSA WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, Bob Kunvarji, 6619 Transit Road, Williamsville, New York, has submitted a site plan prepared by Young Architectural, LLC dated May 28, 2004 and received June 1, 2004 for the proposed construction of a 4,655 square foot Friendly's Restaurant situated at 6671 Transit Road, and a 3,600 square foot convenience store with six (6) gas pumps situated at 6677 Transit Road in the Town of Lancaster, and

WHEREAS, the Planning Board reviewed the plan and at its meeting July 7, 2004 recommended approval of this project contingent upon NYS Department of Transportation designating the Freeman Road outlet to be located along the north property line of the applicant.

NOW, THEREFORE, BE IT

RESOLVED, the Town's Municipal Review Committee reviewed the Site Plan to determine whether the proposed development was in compliance with the Negative Declaration made thereon by the Municipal Review Committee and Town Board with regard to the buildout of the entire site on the east side of Transit Road, north of the New York State Thruway (Kunvarji Hotels, Inc.) and has determined that the site plan is in compliance therewith.

The question of the adoption of the foregoing resolution was duly put to a vote which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

July 19, 2004

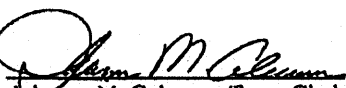
ADJOURNMENT:

ON MOTION OF PLANNING BOARD CHAIRMAN KEYSA, AND SECONDED BY COUNCIL MEMBER MONTOUR FOR ADJOURNMENT OF THE MEETING, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS ABSENT
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The meeting was adjourned at 6:40 P.M.

Signed


Johanna M. Coleman, Town Clerk

Town Board Minutes

**Meeting
No. 26**

Regular Meeting

July 19, 2004

Town Board Minutes

July 19, 2004

Meeting No. 26

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 19th day of July, 2004 at 8:00 P.M. and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUT, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
GARY STOLDT, CHIEF OF POLICE
TERRENCE McCracken, GENERAL CREW CHIEF
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

PERSONS ADDRESSING TOWN BOARD:

Fronczak, Mike, 3 Woodstream Drive, spoke to the Town Board on the following matter:

- Wants to know how the Town Board intends to proceed with regard to the street interconnect from the proposed subdivision behind his house to his subdivision.

Beutler, Daniel, 26 Tyler Street, spoke to the Town Board on the following matter:

- Questions about the informational meeting held by the Town of Cheektowaga regarding the Transit Road/French Road corridor.

Chowaniec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matters:

- Comments/questions regarding the resolution memorializing the State to cap County share of Medicaid contribution.
- Questions about the "Taste of Lancaster" held by the Village of Lancaster.

Howell, Gary, 48 Park Blvd., spoke to the Town Board on the following matters:

- Inquired if the Town's bills are paid before or after approval of audited claims by Town Board.
- Questions about conditions placed upon site plan approval of Kunvarji's project at 6671 & 6677 Transit Road and who monitors them.
- Raised questions about rules regarding federally regulated wetlands.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon an application for a Special Use Permit from Paul Haniszewski for a used automobile sales business.

The affidavits of publication of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Paul Haniszewski, the petitioner	946 Ransom Road	Proponent - Answered questions from Town Board

ON MOTION BY COUNCIL MEMBER MONTOUR AND SECONDED BY
COUNCIL MEMBER RUFFINO, FOR ADJOURNMENT OF THE PUBLIC HEARING, which
resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

The Public Hearing was adjourned at 8:34 P.M.

The Supervisor informed those present that the Town Board would reserve
decision on this matter.

July 19, 2004

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board held
July 6, 2004 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	ABSTAINED
SUPERVISOR GIZA	VOTED YES

July 19, 2004

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, Marc/Equity Corporation, 2730 Transit Road, West Seneca, New York, has applied to the Town Board of the Town of Lancaster for permits to construct Public Improvements upon real property in the Town of Lancaster within Fairway Hills Subdivision, Phase I, and

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit applications that he has reviewed the improvement plans and permit applications for the installation of the public improvements requested, and that they conform to the Ordinances of the Town of Lancaster.

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Applications Nos. 584, 585, 586 and 587 of Marrano/Marc Equity Corporation, 2730 Transit Road, West Seneca, New York, for the installation of:

P.I.P. No. 584
(Detention Basin)

Construction of the detention pond and all appurtenances for Fairway Hills Subdivision, Phase I, 100 L.F. - 24" SCIPP, 28± L.F., 4" PVC, 1 ea. (5' dia. 60") manhole, 810± sq. ft. Rip-Rap.

P.I.P. No. 585
(Pavement & Curbs)

Construction of Fairway Hills Subdivision, Phase I on Fairway Hills Way, Fairway Drive & Misty Meadows Drive, 49,980 S.F. of pavement (28' wide) w/10" subbase, 4" NYSDOT type 7 base, 2" NYSDOT type 3 binder, 1" NYSDOT type 7 top, 3570 L.F. of 20" type "BB" conc. curbing w/6" underdrain, 180 L.F. of 24" up-right conc. island curbing.

P.I.P. No. 586
(Water Line)

Construction of Fairway Hills Subdivision, Phase I on Fairway Hills Way, Fairway Drive & Misty Meadows Drive, 225± L.F. of 10" P.V.C. (c-900), 1420± L.F. of 8" P.V.C. (c-900), 180± L.F. 8" D.I.P. (Class 52) waterline, (4) hydrant assemblies, 1 (10") line valve, 6 (8") line valves, 1 10" x 20" tapping sleeve, (1) 2" blow-off assemblies.

P.I.P. No. 587
(Storm Sewer)

Construction of Fairway Hills Subdivision, Phase I on Fairway Hills Way, Fairway Drive & Misty Meadows Drive, 75 L.F. - 22"x15" CMPA w/galv. end sections, 677± L.F. - 24" SICPP, 60± L.F. - 24" R.C.P. w/end sections, 178± L.F. - 12" R.C.P., 879± L.F. - 12" PVC, 1035± L.F. - 6" PVC, 8 ea. 48" dia manholes, 12 ea. road receivers, 26 rear yard receivers, 7 yard drains (yd).

be and are hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 19, 2004

File: RPIP (P20)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the County of Erie is mandated by New York State to contribute towards the cost of Medicaid in the County of Erie, and

WHEREAS, the contribution for Medicaid costs by the County has been increasing dramatically year over year, and

WHEREAS, County governments across New York State struggle with the cost of this mandated Medicaid program which results in the county increasing property taxes and sales tax to provide the necessary funding for this program, and

WHEREAS, a bill was introduced in the New York State Assembly (A.9924), which would amend the Social Services Law and establish the "Local Taxpayer Relief Act of 2004", which would limit certain Medicaid expenses paid by a social services district, and

WHEREAS, if approved the "Local Taxpayer Relief Act of 2004" would cap the local share of Medicaid by relieving local social services districts from the responsibility for paying to the state any amount that exceeds that which was paid from April 1, 2003 to March 31, 2004, and

WHEREAS, the Town Board deems it appropriate and in the public interest to lend its support to the beforementioned "Local Taxpayer Relief Act of 2004";

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby acknowledges its support for the proposed Assembly bill (A.9924) "Local Taxpayer Relief Act of 2004", and

BE IF FURTHER

RESOLVED, that this honorable body requests that the New York State Senate introduce a bill similar to the "Local Taxpayer Relief Act of 2004" (A.9924) that will control or cap the local share contribution to Medicaid, and

BE IT FURTHER

RESOLVED, that certified copies of this resolution be forwarded to Governor George E. Pataki, Senate Majority Leader Joseph L. Bruno, State Assembly Speaker Sheldon Silver and the Western New York delegation to the New York State Assembly and the Western New York delegation to the New York State Senate.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 19, 2004

File: medicaid704

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, Helen Jandzinski, 185 Siebert Road, Lancaster, New York has
heretofore applied for approval of a minor subdivision (four lots) located south of William
Street on the east side of Siebert Road in the Town of Lancaster, New York, and

WHEREAS, the Planning Board and Town Engineer have given their approval to
the filing of this minor subdivision, and

WHEREAS, the Town Board of the Town of Lancaster has considered and
reviewed the beforementioned project.

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

1. That the Town Board of the Town of Lancaster hereby approves
the minor subdivision (four lots) located south of William Street on the east side of Siebert
Road as filed by Helen Jandzinski.

2. That the Town Clerk of the Town of Lancaster be and is hereby directed to
properly endorse the approval of the Town Board of the Town of Lancaster on the linen copy
thereof and to attend to the filing of said minor subdivision map in the Erie County Clerk's
Office.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 19, 2004

File: minorsubdivision704

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Bob Kunvarji, 6619 Transit Road, Williamsville, New York 14221, has submitted a Site Plan prepared by Young Architectural, LLC, dated May 28, 2004 and received June 1, 2004 for the proposed construction of a 4,655 square foot Friendly's Restaurant situated at 6671 Transit Road and a 3,600 square foot convenience store with six (6) gas pumps situated at 6677 Transit Road in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan and at its meeting July 7, 2004 has recommended approval of this project, and

WHEREAS, the Town's Municipal Review Committee reviewed the Site Plan to determine whether the proposed development was in compliance with the SEQR Negative Declaration made thereon with regard to the buildout of the entire site on the east side of Transit Road, north of the New York State Thruway (Kunvarji Hotels, Inc.) and has determined that the site plan is in compliance;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by Bob Kunvarji and prepared by Young Architectural, LLC, dated May 28, 2004 and received June 1, 2004 for the proposed construction of a 4,655 square foot Friendly's Restaurant situated at 6671 Transit Road and a 3,600 square foot convenience store with six (6) gas pumps situated at 6677 Transit Road in the Town of Lancaster with the following conditions:

1) Contingent upon approval by New York State Department of Transportation of the re-location of Freeman Road along the north property line of the proposed site herein.

2) If NYS DOT selects another location for the Freeman Road outlet, this site plan becomes invalid and will need further review by the Planning Board and the Town Board.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 19, 2004

File: rspfriendlys704

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town Board has previously duly advertised for bids for two (2) new and unused complete dump bodies and snow plow equipment for use by the Highway Department, and

WHEREAS, bids were received, opened and reviewed on July 8, 2004, and

WHEREAS, the Highway Superintendent by letter dated July 13, 2004, has recommended award of the bid to VALLEY FAB & EQUIPMENT, INC., being the lowest responsible bidder in the amount of \$102,789.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby awards the bid for two (2) new and unused complete dump bodies and snow plow equipment for use by the Highway Department, to VALLEY FAB & EQUIPMENT, INC., 9776 Trevett Road, Boston, New York 14025, in the total amount of \$102,789, being the lowest responsible bidder in conformance with the specifications on file in the Office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 19, 2004

File: rhighwaysnowplowsandDumpbodies604a

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Highway Superintendent of the Town of Lancaster has requested the purchase of one (1) new and unused compact excavator, for the use of the Highway Department which was approved by the Highway Committee and by Town Board resolution public bid was invited, and

WHEREAS, no bids were received and the Highway Superintendent has requested that the Town Board rebid this equipment, and

WHEREAS, the Town Board has reviewed this request and deems in the public interest to cause a rebid;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That Bids be received by the Town Clerk on August 5, 2004 at 10:00 o'clock A.M. Local Time at the Town Hall, 21 Central Avenue, Lancaster, New York, for the purpose of purchasing one (1) new and unused compact excavator, for the use of the Highway Department in accordance with specifications on file in the Town Clerk's Office, and

2. That the Town Clerk be and is hereby authorized to place a Notice to Bidders in the Lancaster Bee, post notices thereof as required by Law and further mail notices to all heavy equipment suppliers in Erie County, which Notice shall be in the form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 19, 2004

File: rhighwaycompactexcavator604a

**LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS**

NOTICE IS HEREBY GIVEN, that sealed bids will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, in the Council Chamber of the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 o'clock A.M., Local Time, on the 5th day of August, 2004, for the purpose of providing to the Town of Lancaster one (1) new and unused compact excavator, for the use of the Highway Department, in accordance with specifications on file in the Town Clerk's Office in the Town Hall, 21 Central Avenue, Lancaster, New York.

A Certified Check or Bid Bond in an amount representing five percentum (5%) of the Total Bid, payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Board reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

BY: JOHANNA M. COLEMAN
Town Clerk

July 19, 2004

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No. 9735 to Claim No. 9977 Inclusive

Total amount hereby authorized to be paid: \$334,398.47

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 19, 2004

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby
reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived
for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

12040	Regent Construction	4845 Transit Rd	Er. Sign	
12044	Leisurewood Design	20 Heathrow Ct	Er. Deck	
12045	Tole, Timothy	130 Sixth Ave	Er. Deck	(V/L)
12046	Lewandowski, David	33 Katelyn Ln	Er. Fence	
12047	Scheidweiler, John	23 E Drullard Ave	Er. Shed	(V/L)
12048	Duro-Shed Inc	880 Townline Rd	Er. Shed	
12049	Czajka, Joseph	151 Schwartz Rd	Er. Pole Barn	
12050	Duro-Shed Inc	25 Regency Ct	Er. Shed	
12051	Hy, Charles	7 Petersbrook Cir	Er. Deck	
12052	Colley's Pool Sales Inc	55 Old Post Rd	Er. Pool-In Grnd	
12053	Duro-Shed Inc	284 Pleasant View Dr	Er. Shed	
12054	Fetes, James	5180 William St	Er. Deck	
12055	Scheiflee, James	90 Country Pl	Er. Shed	
12056	Good Neighbor Fence	126 Ransom Rd	Er. Fence	
12057	Holiday Lumber Co	11 Grace Way	Er. Res. Add.	
12058	City Fence Inc	1 Rue Madeleine Way	Er. Fence	
12059	Allein, James B	99 Court St	Er. Front Porch	(V/L)
12060	Sodaro, Douglas	28 Parkedge Dr	Er. Res. Add.	
12061	Unlimited Construction	33 Holland Ave	Er. Fence	(V/L)
12062	Regent Contracting	4845 Transit Rd	Er. Comm. Bldg.	
12063	Regent Contracting	4845 Transit Rd	Er. Garage	
12064	Regent Contracting	4845 Transit Rd	Er. Garage	
12065	Regent Contracting	4845 Transit Rd	Er. Garage	
12066	Regent Contracting	4845 Transit Rd	Er. Garage	
12067	Regent Contracting	4845 Transit Rd	Er. Garage	
12068	Regent Contracting	4845 Transit Rd	Er. Garage	
12069	Forbes Homes Inc	20 Windcroft Ln	Er. Dwlg.-Sin.	
12070	Forbes Homes Inc	9 Valley Overlook Dr	Er. Dwlg.-Sin.	
12071 SW	Mankowski, Steve	156 Schlemmer Rd	Er. Dwlg.-Sin.	
12072	Iroquois Fence Inc	74 Stony Brook Dr	Er. Fence	

12073	Deshour, Thomas	9 Heathrow Ct	Er. Fence
12074	Gatta, James	15 Schiffler Ct	Er. Pool-In Grnd
12075	Szpylman, T Ryan	24 Riemers Ave	Er. Deck
12076	Gatta, James	15 Schiffler Ct	Er. Fence
12077	Premier Fence	5248 William St	Er. Fence
12078	Brown, Kirk	20 Kurtz Ave	Er. Pool-Abv Grnd (V/L)
12079	Expert Fence Co	5102 William St	Er. Fence
12080	Wilcox Brothers	6343 Transit Rd	Er. Sign
12081	Capital Fence Co Inc	17 Village View	Er. Fence
12082	Ligammarc, Joseph	5764 Broadway	Er. Deck
12083	Duro-Shed Inc	7 Running Brook Dr	Er. Shed
12084	Armor Fence Co	7 Running Brook Dr	Er. Fence
12085	Kreavy, Ronald	183 Schwartz Rd	Er. Fence
12086	Another Custom Home	207 Siebert Rd	Er. Dwlg.-Sin.
12087	Armor Fence Co	24 Hinchey Ave	Er. Fence (V/L)
12088	Dwyer, Dennis	5219 Genesee St	Er. Deck
12089	John's Home Remodeling	307 Broezel Ave	Inst. Egress Window
12090	Slivan Pool & Const.	5094 William St	Er. Pool-Abv Grnd
12091	Fulciniti, Dominic	15 Village View	Er. Shed
12092	CMK Builders of Alden	28 Charlton Pl	Er. Dwlg.-Sin.
12093	Quintessence LLC	5522 Broadway	Er. Comm. Alt. (V/L)
12094	Capital Fence Co Inc	19 Ashwood Ct	Er. Fence
12095	Duro-Shed Inc	10 Running Brook Dr	Er. Shed
12096	Atlantic Garages	1718 Como Park Blvd	Er. Garage
12097	Dexter, Frank	95 Court St	Er. Fence (V/L)
12098	Lancaster Home Improv.	5430 Broadway	Er. Comm. Alt. (V/L)
12099	Leisurewood Design	44 Summerfield Dr	Er. Deck
12100	Barnhardt, Ronald	98 Burwell Ave	Er. Shed (V/L)
12101	Buscaglia Decks	9 Thomas Dr	Er. Deck
12102	Duro-Shed Inc	24 Cambridge Ct	Er. Shed
12103	Sun Enterprises Inc	9 Ann Marie Dr	Er. Shed
12104	Complete Home Rem.	4 Fieldstone Ln	Er. Deck

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 19, 2004

File: Rbldg2

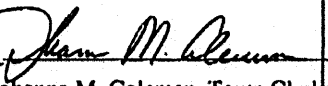
COMMUNICATIONS & REPORTS:

350. Town Clerk to Town Board -
Transmittal of final settlement of 2004 County/Town Tax Warrant. DISPOSITION = Received & Filed
351. Town of Cheektowaga to Town Board -
Transmittal of Legal Notice announcing a public hearing regarding proposed Land Use study for Transit Road and French Road corridors. DISPOSITION = Received & Filed
352. Town Clerk to Town Board -
Transmittal of monthly report for June 2004. DISPOSITION = Received & Filed
353. Erie County Water Authority to Town Clerk -
Notice of replacement of leaky valve at William Street and Lake Avenue. DISPOSITION = Received & Filed
354. General Crew Chief to Planning Board, Council Members Montour, Ruffino, and Stempniak
Notice of approval of site plan for Hillview Baptist Church, 26 Rehm Road, addition to garage. DISPOSITION = Planning Committee
355. Emergency Management Coordinator to Town Board -
Transmittal of Semi Annual Activity Report of Emergency Management Team. DISPOSITION = Received & Filed
356. Planning Board Chairman to Planning Board, Town Board, Town Engineer, Deputy Town Attorney, Building Inspector -
Draft copy of Planning Board minutes of meeting held July 7, 2004. DISPOSITION = Received & Filed
357. Planning Board to Town Board -
Recommend approval of site plan for Minor Subdivision, E.S. of Siebert Road, S. of William Street. DISPOSITION = Resolution 7/19/04
358. Planning Board to Town Board -
Recommend approval of Site Plan for Friendly's Restaurant and Convenience Store, 6671 & 6677 Transit Road; contingency noted. DISPOSITION = Resolution 7/19/04
359. Town Attorney to Town Board, Planning Board, Town Clerk, Building Inspector, Town Engineer -
Notification of SEQR meeting to be held July 19, 2004 at 6:30 PM to consider site plan applications of Friendly's Restaurant and Convenience Store and a four lot minor subdivision on Siebert Road. DISPOSITION = Received & Filed
360. Town Clerk to Various News Media -
Notification of SEQR meeting to be held July 19, 2004 at 6:30 PM to consider site plan applications of Friendly's Restaurant and a minor subdivision on Siebert Road. DISPOSITION = Received & Filed
361. Highway Superintendent to Town Board -
Request resubmission of resolution to purchase compact excavator. DISPOSITION = Resolution 7/19/04
362. Highway Superintendent to Town Board -
Request resolution to purchase two snow plows and dump bodies from Valley Fab and Equipment. DISPOSITION = Resolution 7/19/04
363. Erie County Legislature to Supervisor -
Update on meeting of June 16, 2004 regarding county agriculture industry and copy of resolution supporting the agriculture industry and farmland. DISPOSITION = Received & Filed
364. NYS Division of Criminal Justice Services to Supervisor -
Letter regarding meeting of June 24, 2004 discussing availability of grants for police department. DISPOSITION = Received & Filed

365. Lions Club of Lancaster Inc to Town Board -
Letter regarding the planting and dedication of the Rose Garden in Oxford Park.
DISPOSITION = Received & Filed
366. Erie County Legislature to Town Board -
Transmittal of resolution regarding the county agriculture industry and farmland.
DISPOSITION = Received & Filed
367. Erie County Water Authority to Town Clerk -
Notice of replacement of leaky valve Ransom Road and Genesee Road 50 feet north of
Schlemmer Road. DISPOSITION = Received & Filed
368. Erie County Water Authority to Town Clerk -
Notice of replacement of leaky valve Ransom Road and Genesee Road 300 feet north of
Schlemmer Road. DISPOSITION = Received & Filed
369. Erie County Department of Public Works to Supervisor, Highway Superintendent -
Notice regarding emergency calls during off-hours for county roads. DISPOSITION =
Police Department & Highway Superintendent
370. Greater Buffalo-Niagara Regional Transportation Council to Town Board -
Notice of meeting on July 14, 2004, 9:30 AM in Lockport NY. DISPOSITION =
Received & Filed

ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER RUFFINO, SECONDED BY
COUNCIL MEMBER STEMPNIAK AND CARRIED,** the meeting was adjourned at 8:45
P.M.

Signed 
Johanna M. Coleman, Town Clerk